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July 8, 2024

Via ECF

Hon. Joan M Azrack, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Status Report

2:17-cv-04202-JMA-JMW-Yu et al. v. Kotobuki Restaurant, Inc. et al

Your Honor,

We represent the plaintiff in the above referenced case and write in regard to Your Honors order dated May 8, 2024, that the parties are to write to the court within sixty (60) days regarding narrowing the number of claims and plaintiffs to the case. The parties have conferred and present the following to the court.

Plaintiff's Position

Plaintiff takes the position that the parties should have the Settlement Conference and after the Settlement Conference the parties can decide on which motions they would like to proceed with. The court should find that the parties should decide on what motions they would like to proceed with after the Settlement Conference scheduled for the parties more or less know their respective positions on the motions that they plan on filing to the court, therefore it would make no difference whether the parties decide now or after the Settlement Conference. Further, depending on how the Settlement Conference goes could further dictate how the case proceeds forward so the parties deciding now on what motions they would like to proceed in lieu of the settlement conference seems premature at and counterproductive.

Defendant's Position

Defendants disagree with Plaintiff's position and have repeatedly stated that for meaningful settlement discussions Plaintiffs need to: (i) provide a reasonable settlement demand based on evidence disclosed in discovery; (ii) agree to narrow the issues to the named plaintiffs only; and (iii) engage Defendants in a dialogue about the scope of the case going forward. Plaintiffs' position above is intentionally vague and fails to address the Court's recommendation that the parties explore settlement on an individual, rather than class, basis. Based on Plaintiffs' prior settlement demands and inclination to pursue a baseless class action, Defendants are not optimistic about resolution, but will try in earnest to resolve the matter. Short of that, Defendants are eager to obtain a determination on class certification, decertification, and summary judgment dismissal.

We thank the Court for its attention to and consideration of this matter.

Hon. Joan M Azrak, U.S.D.J.

July 8, 2024

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Sincerely yours,
TROY LAW, PLLC

/s/ John Troy
John Troy
Attorney for Plaintiffs

cc: via ECF
all counsel of record
JT/gd